

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

BRADBURY P , BURNS P , GiaQUINTA P ,  
HENRY        , LONG P , REDD P ,  
SCHMIDT P , STIER P , TALARICO P ,

COUNCILMEMBER: Henry \_\_\_\_\_

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

16 September 1988

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one  
(1) ordinance concerning the vacation of dedicated right of way.

The proposed ordinance is designated as:

BILL NO. G-88-06-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
16th day of September 1988.

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Robert Hutner  
Secretary



# Division of Community Development & Planning

FACT SHEET

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

## DETAILS

### Specific Location and/or Address

A portion of Coliseum Blvd., West, approximately 50' x 200' lying west of Sherman Bl.

### Reason for Project

To allow for construction of a commercial building on this site.

### Discussion (Including relationship to other Council actions)

20 June 1988 - Public Hearing

Josh Tourkow, attorney for the petitioners stated that the property which this right of way crosses lies between Freeman's Sporting Goods Store and a service station. He stated that there is a 50' x 200' right of way down through the center of the petitioners property from Coliseum through property for access to a housing development. He stated that there is a house built on the lot where this street would have to come out into the development. He stated he was of the understanding that the right of way across the lot has been vacated and they are now requesting their portion of the right of way be vacated also. He stated they would like to be able to build a commercial structure on the property. He stated that they see no need at this time of in the future for this right of way to be used.

Richard Borton, 905 Third Street, questioned if the right of way was vacated and open for commercial use would there be a buffer zone required between the commercial and the housing project.

## POSITIONS

## RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s) Jeff DeVille,  
Barbara DeVille, Paul DeVill  
Greg DeVille, R. B. Brunner  
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation

☒ For

☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass

☐ Other

☐ Pass (as  
amended)

☐ Hold

☐ Council Sub.

☐ Do not pas



# DETAILS

## POLICY/PROGRAM IMPACT

Greg Purcell stated that the zoning will not change it will remain the same which is B-4 - Roadside Business.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

### 27 June 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one did not vote.

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 18 May 1988

Projected Completion or Occupancy

Date 24 August 1988

Fact Sheet Prepared by

Date 24 August 1988

Patricia Biancaniello

Reviewed by

Date

1 Sept 1988

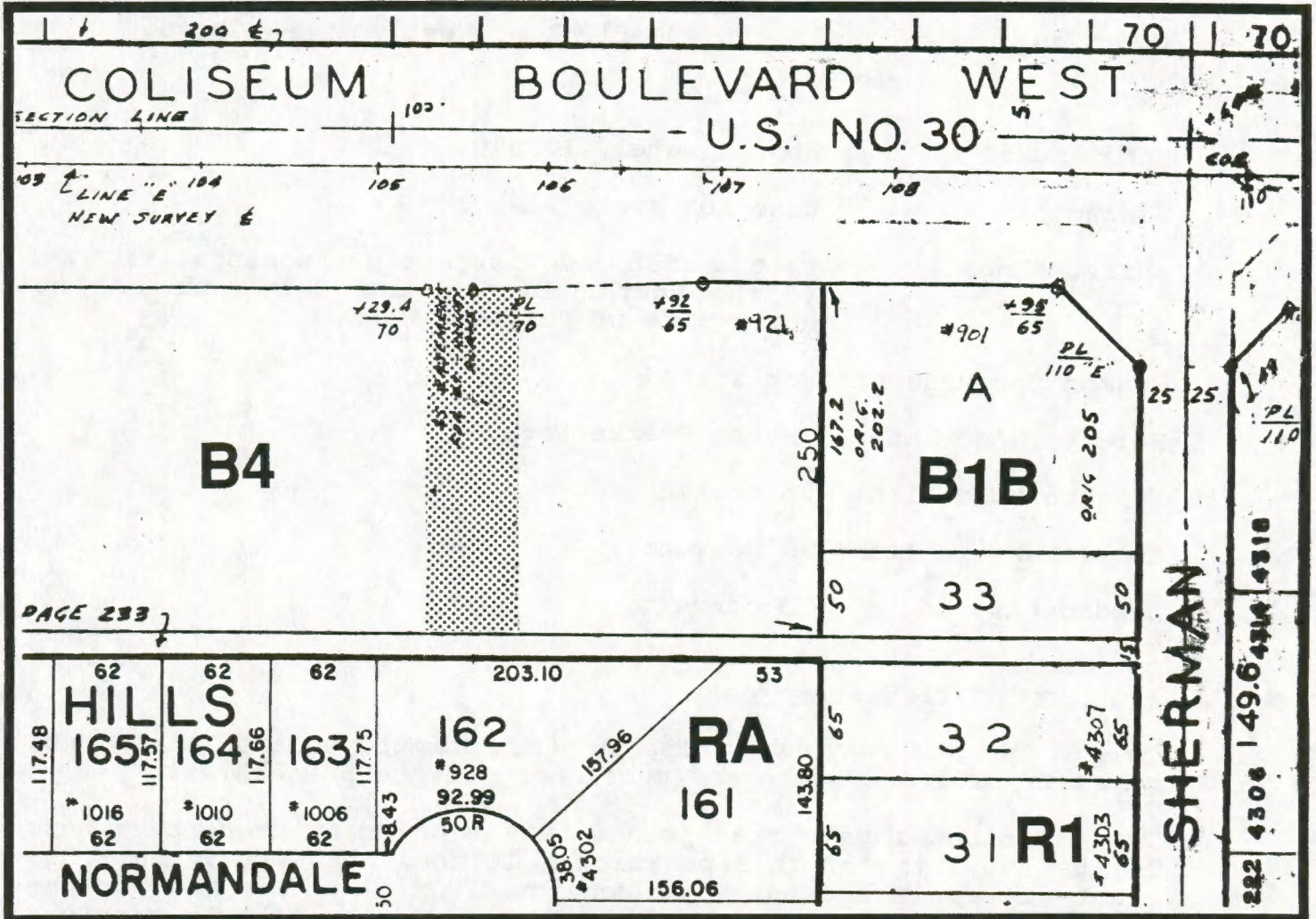
Reference or Case Number

# VACATION PETITION #347

A PETITION TO VACATED THE DESCRIBED PUBLIC HIGHWAY RW AND STREET.

MAP NO. K-26

COUNCILMANIC DISTRICT NO. 3



## ZONING:

B4 ROADSIDE BUSINESS

B1B LIMITED BUSINESS "B"

RA RESIDENCE "A"

## LAND USE:

☐ SINGLE FAMILY

☐ COMMERCIAL

SCALE: 1"=200'

DATE: 6-3-88





Joshua I. Tourkow, attorney representing Greg and Barbara DeVille, requests the vacation of a certain right-of-way.

Location: In the 900 Block of West Coliseum Blvd.  
Legal: See File  
Land Area: Approximately 12,500 Sq. Ft.  
Zoning: Does not apply  
Surroundings: To the east and west are B-4 zonings, with RA to the south, and B-4 and M-1 areas on the north side of Coliseum Blvd.

Reason for Request: Not stated

Neighborhood Assoc.: North Franke Park

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This right of way is unopened and unimproved, and it is not necessary for access to any public or private properties.

The petitioners have been joined by the adjacent property owners in the submittal of this petition. It does not appear that this right-of-way is necessary to continued growth. The area to the south has been developed by Affordable Homes by John Pelkington, Inc., and they have joined as adjacent property owners. Their subdivision is served by internal streets, and does not have direct access to Coliseum Blvd.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements as needed.

- 1) Approval will not hinder the use of public ways by area residents.
- 2) The right-of-way is not necessary for access to public or private lands or ways.
- 3) Approval may be in the best interest of the City by adding this land area to the tax base.



RESOLUTION 77-336-4

WHEREAS, JEFF DEVILLE, BARBARA DEVILLE, PAUL E. DEVILLE, GREG DEVILLE and RAYMOND B. BRUNNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows:

The West 25 feet of the following: Commencing at the Northwest corner of said Block A as situated on the South line of the right of way of U.S. Hwy #30, known as the California Road, at a point situated 205 feet West of the East line of said Quarter Section; thence running West on said right of way line, 205 feet; thence South and parallel to the East line of said Quarter Section, a distance of 250 feet; thence East and parallel to aforesaid right of way line, 205 feet to the West line of said Trixholme Addition, Section "A"; thence North on the aforesaid line 250 feet to the place of beginning, except the East 70.0 feet, and subject to an easement for street over the West 25 feet thereof TOGETHER with:

Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, described as follows:

The East 25 feet of the following: Commencing on the South line of the right of way of U.S. Hwy #30, also known as California Road, at a point situated 410 feet West of the East line of said Quarter Section; thence running West on said right of way line 65 feet; thence South and parallel to the East line of said Quarter Section, a distance of 250 feet; thence East and parallel to the aforesaid right of way line, 65 feet; thence North 250 feet to the place of beginning, subject to an easement over the East 25 feet thereof for street, EXCEPT highway right of way granted in Document #72-21177.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN ) SS:  
)

I, Angela S. Derheimer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held September 15, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 15<sup>th</sup> DAY OF September 1988

FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer  
Angela S. Derheimer  
Director of Public Works

Daniel G. Heath  
Daniel G. Heath  
Director of Public Safety

C. David Silletto  
C. David Silletto  
Director of Administration & Finance



## RESOLUTION

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Part of the Northeast Quarter of Section 27, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows:

The West 25 feet of the following: Commencing at the Northwest corner of said Block A as situated on the South line of the right of way of U.S. Hwy #30, known as the California Road, at a point situated 205 feet West of the East line of said Quarter Section; thence running West on said right of way line, 205 feet; thence South and parallel to the East line of said Quarter Section, a distance of 250 feet; thence East and parallel to aforesaid right of way line, 205 feet to the West line of said Trixholme Addition, Section "A"; thence North on the aforesaid line 250 feet to the place of beginning, except the East 70.0 feet, and subject to an easement for street over the West 25 feet thereof TOGETHER with:

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The East 25 feet of the following: Commencing on the South line of the right of way of U.S. Hwy #30, also known as California Road, at a point situated 410 feet West of the East line of said Quarter Section; thence running West on said right of way line 65 feet; thence South and parallel to the East line of said Quarter Section, a distance of 250 feet; thence East and parallel to the aforesaid right of way line, 65 feet; thence North 250 feet to the place of beginning, subject to an easement over the East 25 feet thereof for street, EXCEPT highway right of way granted in Document #72-21177.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 20, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and



Robert Huthner  
Secretary



THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 27th day of September, 1988, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances, and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_  
SANDRA E. KENNEDY, CITY CLERK